

**ZONING BOARD OF APPEALS  
MINUTES OF MEETING  
MARCH 13, 2014**

Town of Bedford  
Bedford Town Hall  
Lower Level Conference Room

**PRESENT:** Angelo Colasante, Chair; Carol Amick, Clerk; Jeffrey Dearing; Todd Crowley; Michelle Puntillo; Kay Hamilton

**ABSENT:** Jeffrey Cohen, Vice Chair

Mr. Colasante read the emergency evacuation notice. The Zoning Board of Appeals (ZBA) members introduced themselves.

**PRESENTATION:** Ms. Amick read the notice of the hearing.

**PETITION #025-14** – Formulatrix, Inc., at 10 DeAngelo Drive, seeks a Special Permit per Section 7.4.3 of the Zoning Bylaw to reconfigure parking spaces, and seeks a Special Permit per Article 39.5 Section 1 of the Sign Bylaw to externally illuminate freestanding sign.

Mr. Cohen noted that this application entailed a request for two separate Special Permits, so he would like to cover the Special Permit for parking first and then for the signage second.

**Parking**

Paul Finger, of Paul Finger Associates, introduced himself and explained that he was appearing on behalf of Formulatrix, Inc., a company that was currently located in Waltham and planned to move to Bedford. He said the company had purchased the property at 10 DeAngelo Drive and planned to upgrade the facility to bring in both national and international clients to see their products. He said they had recently been before Conservation Commission and received an Order of Conditions, and had coordinated this site plan with the Fire Department and the Town Engineer.

Mr. Finger explained that the company's main objective was to enhance the property and reduce the level of non-conformity in terms of parking layout and landscaping. He said the site was originally approved for 50 spaces, and Formulatrix would like to take out eight of those spaces for a total of 42; he said this was still more than the Zoning Bylaw currently allowed, but it the non-conformity will be reduced.

The Board members talked with Mr. Finger about the parking, landscaping, drainage, and stormwater management of the site.

Mr. Colasante opened this portion of the hearing to the public. With no comments or questions from those in attendance, Mr. Colasante closed the public hearing.

**DELIBERATIONS (ON PARKING):**

Mr. Colasante said it was always exciting to see a new business moving into Bedford, and this business would be an improvement to the area, both in terms of visual aesthetics and reducing existing non-conformities. He said that, in his opinion, this parking proposal met the requirements of a Special Permit, in that it was not substantially more detrimental or injurious to the neighborhood and was in keeping with the intent and purpose of the Bylaw. The other Board members agreed.

Ms. Puntillo said that her only concern was about what would happen if Formulatrix needed more parking in the future. Mr. Finger said that he doubted they would ever need that many; he said they currently needed 38 spaces but asked for four extra to allow for potential growth, but the company executives felt confident that they would never need more than 42 spaces at the site.

**MOTION:**

Ms. Amick moved to grant to Formulatrix, Inc., at 10 DeAngelo Drive, a Special Permit per Section 7.4.3 of the Zoning Bylaw to reconfigure parking spaces, substantially as shown on Exhibit C.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Crowley, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. Barring any appeals, the applicant was then responsible for getting the decision recorded at the Registry of Deeds.

**Signage**

Mr. Finger said that the second aspect of this Special Permit proposal was a request to externally illuminate a freestanding sign. He noted that the application packet included a rendering of the sign, a catalogue cut of the illumination fixture, and a letter from an electrician certifying that the illumination will not exceed 75 foot lamberts. He added that the sign itself met all the dimensional requirements of the Sign Bylaw, and he assured the Board that the illumination would shine directly onto the sign with no spillage.

There was conversation about the photometric calculations for the sign illumination.

Mr. Colasante asked for confirmation that the illumination would be white, per the Sign Bylaw. Mr. Finger replied that it would.

Mr. Crowley pointed out that the Sign Bylaw prohibits sign illumination between the hours of 11:00 PM and 6:00 AM. Mr. Finger said he understood that and had no problem with it.

Ms. Puntillo said it appeared that the light was recessed in the fixture. Mr. Finger said that was correct, so there would be no exposed bulbs.

Mr. Colasante opened this portion of the hearing to the public. With no comments or questions from those in attendance, Mr. Colasante closed the public hearing.

### **DELIBERATIONS (ON SIGNAGE)**

Mr. Colasante stated that this portion of the application was also a Special Permit request, so the two requirements taken into consideration for the parking – that the project was not substantially more detrimental or injurious to the neighborhood and was in keeping with the intent and purpose of the Bylaw – were also required here. He said that he felt this sign illumination met those conditions, so long as the conditions of the Special Permit were that the illumination was on a timer, was white in color, and would be focused directly on the sign. The other Board members agreed.

### **MOTION:**

Ms. Amick moved to grant to Formulatrix, Inc., at 10 DeAngelo Drive, a Special Permit per Article 39.5 Section 1 of the Sign Bylaw to externally illuminate freestanding sign, substantially as shown on Exhibit A (letter from Chief Financial Officer), Exhibit B (memo from Interstate Electrical Services regarding sign calculations), Exhibit C (color picture of sign), Exhibit D (sign dimensions), Exhibit E (proposed sign sketch) Exhibit F (luminaire schedule and sign calculations), Exhibit G (specification from fixture catalogue). Special Permit subject to the following conditions:

1. Illumination to be put on a timer to ensure it is off between the hours of 11:00 PM and 6:00 AM;
2. Illumination will be white;
3. Light must be focused on sign so there is no overspill.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Crowley, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante explained that the Board had 14 days to write a decision, after which time there was a 20-day appeal period. Barring any appeals, the applicant was then responsible for getting the decision recorded at the Registry of Deeds. Once the decision was recorded, the applicant could apply for a Sign Permit at the Code Enforcement Department.

Mr. Finger thanked the Board members for their time. Mr. Colasante wished the applicant luck with the project and said he was excited to see a viable new business coming to Bedford.

**PRESENTATION:** Ms. Amick read the notice of the hearing.

**PETITION #010-14 – CONTINUATION** – Jennifer Soillis, at 330 South Road, seeks a modification to Special Permit #050-93 to allow commercial kitchen for wholesale baking.

Pamela Brown, Esq., greeted the Board and explained that she now represented Ms. Soillis, who has decided to ask for a withdrawal without prejudice. Ms. Brown said that she was presenting this request for withdrawal with mixed emotions, because she felt that it could have been a good opportunity to work with the neighbors and alleviate some of their concerns with the businesses at the property.

Mr. Colasante said he respected the applicants' decision, but he hoped that this withdrawal didn't mean that they would not still try to work with the neighbors to help solve some of the neighborhood problems. Ms. Brown said they still planned to work with the neighbors.

Mr. Colasante opened the hearing to the public.

John Pimentel, owner of 26-28 Genetti Circle and resident of 26 Genetti Circle, reiterated what he stated at the first meeting – that the property at 330 South Road had been a thorn in his side since 1993, when it was first given a Special Permit to allow businesses. He said the businesses have grown and become overgrown, and . Mr. Colasante said that Mr. Pimentel – or anyone who sees any violations of the Special Permit for this property – should immediately contact the Code Enforcement Department.

Robert Luongo, of 32 Genetti Circle, said he had no issues with this withdrawal.

With no further comments or questions from those in attendance, Mr. Colasante closed the public hearing.

**DELIBERATIONS:**

Ms. Amick suggested that the Chair make a personal call to the Code Enforcement Officer that they, as a Board, would like him to remain aware of any violations or

problems at the site. Mr. Colasante confirmed that he would contact the Code Enforcement Officer.

**MOTION:**

Ms. Amick moved to withdraw without prejudice the application for Jennifer Soillis, at 330 South Road, seeking a modification to Special Permit #050-93 to allow commercial kitchen for wholesale baking.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Crowley, and Puntillo

Voting against: None

Abstained: None

The motion carried unanimously, 5-0-0.

Mr. Colasante said that any concerns or complaints about this property should, in the future, be put in writing to Code Enforcement. Ms. Brown thanked the Board members for their time.

**BUSINESS MEETING:**

Ms. Amick noted that a new sign had been erected on the side of the medical building at 50 Loomis Street. She suggested that Mr. Colasante also get touch with the Code Enforcement Director about that sign to determine whether it was put in legally.

Mr. Colasante talked about the follow-up letter written from the ZBA to the Selectmen. There was further discussion about the site at 285 Great Road and the role of both Boards in that permitting process.

Mr. Colasante called for a motion to adjourn.

**MOTION:**

Ms. Amick moved to adjourn the meeting.

Mr. Dearing seconded the motion.

Voting in favor: Colasante, Amick, Dearing, Crowley, Puntillo, and Hamilton

Voting against: None

Abstained: None

The motion carried unanimously, 6-0-0.

The meeting adjourned at 8:45 PM.

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Angelo Colasante, Chair                      Date

Respectfully Submitted,

Scott Gould  
ZBA Assistant